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ATTORNEYS FOR PLAINTIFF PLAINTIFF JOHN KESSLER,
ADMINISTRATOR OF THE ESTATE OF RUTH FOUND
HAWKINS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN KESSLER, ADMINISTRATOR OF
THE ESTATE OF RUTH FOUND
HAWKINS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. C06 07492 RS

STIPULATION AND ~~PROPOSE~~ ORDER
TO CONTINUE CASE MANAGEMENT
CONFERENCE

1. This case is currently scheduled for a further case management conference on December 10, 2008.

2. The parties request that the Case Management Conference be continued until February 4, 2009, for several reasons. First, the parties have not finalized a settlement in this case. Without discussing the details of the settlement, the parties both requested that the IRS calculate the net refund due, which took some time following the last scheduled case management conference. Defendant sent those amounts to plaintiffs for review. Second, defense counsel is the sole attorney assigned to a case scheduled for trial beginning on December 10, 2008. (Case No. CR-08-444-SBA.) Moreover, defense counsel is assigned to at least two other cases with hearings on December 10, 2008. For that reason, defense counsel must arrange

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1 for other Tax Division attorneys to cover those hearings and does not think sending another
2 attorney to this conference would be in the parties' or the Court's interest since settlement
3 discussions are still ongoing. Bases on the status of this case, and counsel's schedule, the
4 parties' request a continuance until February 4, 2009.

5 DATED: DECEMBER 5, 2006

BERLINER COHEN

7 BY: _____

8 HEATHER H. MUNOZ
9 ATTORNEYS FOR PLAINTIFF
JOHN KESSLER, ADMINISTRATOR OF THE ESTATE
OF RUTH FOUND HAWKINS

10 DATED: DECEMBER 5, 2006

12 BY: _____

13 THOMAS M. NEWMAN
14 ASSISTANT UNITED STATES ATTORNEY
TAX DIVISION

14 **ORDER**

15 In accordance with the parties' stipulation, the Case Management Conference is
16 continued until February 4, 2009, at 2:30 a.m.

17 IT IS SO ORDERED.

19 DATED: DECEMBER 5, 2008

18 
20 RICHARD SEEBORG
21 UNITED STATES MAGISTRATE JUDGE